

# EXHIBIT D

**From:** [Kristen Logan](#)  
**To:** [Edward A. Bayley](#)  
**Cc:** [KVP-OAI](#); [OpenAICopyright](#); [Latham OpenAI Copyright Team \(openaicopyrightlitigation.lwteam@lw.com\)](#); [DailyNews-AI-RFEM](#); [AI Mail Group](#); ["NYT-AI-SG-Service@simplelists.susmangodfrey.com"](#)  
**Subject:** Follow up re Output Log Sampling Discussion  
**Date:** Friday, June 27, 2025 12:52:00 PM

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Ed,

I hope you had a smooth trip back to San Francisco. Thank you for the productive and helpful conversation regarding the sampling proposal. We believe we are close to an agreement on sampling. To recap, we understand that we reached an agreement on the following provisions:

- Samples: The parties agreed that OpenAI would isolate the "ordinarily retained," "temporary chat," and "user-initiated deletion" populations as separate samples.
- Sample Size: The parties agreed to search over 5 million conversations per sample.
- Search Terms: In addition to the already agreed upon search terms, OpenAI agreed to search for the following domains: dnyuz.com, newsnow.com, dissenter.com, parler.com, and dmsretail.com.

Additionally, we identified a few follow up items:

- We asked whether OpenAI would agree to sample API data as part of this exercise. OpenAI will follow up on with an answer to this question.
- OpenAI agreed to send News Plaintiffs information about ChatGPT's classifiers and to search over the classifiers for news-related use cases as part of the sampling exercise.
- Regarding OpenAI's [REDACTED]  
[REDACTED] OpenAI will investigate this question and follow up.
- OpenAI will investigate their ability to identify "pink slime" sites and will follow up with Plaintiffs.
- For search terms, we will identify a narrowed set of domains from NEWSGUARD\_0000011.
- OpenAI objected to searching for "news" as a standalone search term but would consider a "news" search string with limiters. We will follow up with a revised "news" search string. We further understand that OpenAI's consideration of a narrowed search string is conditioned on its ability to run a search with Boolean logic and proximity connectors. OpenAI will follow up on whether it can perform this type of search.
- OpenAI agreed to look into the classifiers it has used historically for the API and ChatGPT data, and what data it has retained concerning classifier analysis, to help

inform how the API and ChatGPT data has changed over time.

Best Regards,  
Kristen



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